

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM A. GROSS CONSTRUCTION
ASSOCIATES, INC.,

Plaintiff,

-against-

NOTICE OF MOTION

AMERICAN MANUFACTURERS MUTUAL
INSURANCE COMPANY,

07 CV 10639 (LAK) (AJP)

Defendant.

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AMERICAN MANUFACTURERS MUTUAL
INSURANCE COMPANY,

Third-Party Plaintiff,

-against-

CAULDWELL-WINGATE COMPANY, LLC,

Third-Party Defendant.

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CAULDWELL-WINGATE COMPANY, LLC,

Fourth-Party Plaintiff,

-against-

DORMITORY AUTHORITY – STATE OF NEW
YORK,

Fourth-Party Defendant.

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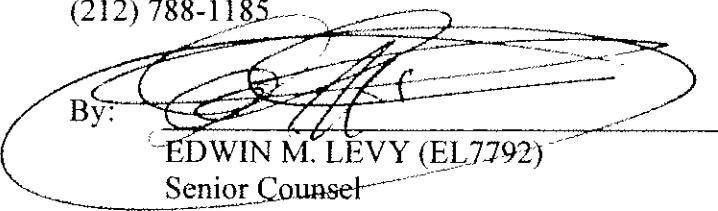
PLEASE TAKE NOTICE, that upon the annexed declaration of Edwin M. Levy and the accompanying memorandum of law, the defendant Dormitory of the State of New York

("DASNY") will move this Court, at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York 10007 before the Honorable J. Kaplan at a date and time to be determined by the Court, for an Order dismissing the fourth-party complaint pursuant to 28 U.S.C. § 1337(c) for the reason that the state law claims raised in the fourth-party complaint substantially predominate over the amended complaint, or in the alternative, pursuant to Fed. R. Civ. P. 14(a)(4), for severance of the fourth-party complaint from the main and third-party actions in the interests of justice and for a stay.

Dated: New York, New York
June 13, 2008

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City of New York
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By:


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